

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

In accordance with Local Rule 7.2 Plaintiff CardiAQ Valve Technologies, Inc. hereby moves for leave to file under seal the following documents in connection with its Opposition:

- Portions of the Memorandum in Support of Motion of Plaintiff CardiAQ Valve Technologies, Inc. to Compel Defendants Neovasc Inc. and Neovasc Tiara Inc. to Produce Unredacted Laboratory Notebooks, which have been highlighted in yellow for the Court's reference; and
- Exhibits K, L, M, and N to the Declaration Of Mark A. Speegle In Support Of Motion Of Plaintiff CardiAQ Valve Technologies, Inc. To Compel Defendants Neovasc Inc. And Neovasc Tiara Inc. To Produce Unredacted Laboratory Notebooks.

In this case for trade secret misappropriation, Plaintiff CardiAQ Valve Technologies, Inc. ("CardiAQ") seeks an impoundment order because portions of the Memorandum in Support of CardiAQ's Motion to Compel Neovasc to Produce Unredacted Laboratory Notebooks and the supporting Exhibits K, L, M, and N refer to, quote from, and/or contain documents that the Defendants Neovasc, Inc. and Neovasc Tiara, Inc. (jointly "Neovsc") have designated "Highly Confidential – Attorney's Eyes Only" pursuant to the Protective Order (Dkt. No. 92). These documents contain and reference information concerning the identity of Neovasc's customers and Neovasc's technical designs. Neovasc contends that this information is of a propriety nature and might be of value to a competitor or potential customer and, therefore, must be protected from disclosure.

These documents provide information necessary for the Court's full consideration of the issues raised in the Memorandum in Support of CardiAQ's Motion to Compel Neovasc to Produce Unredacted Laboratory Notebooks. Thus, CardiAQ respectfully requests that an impoundment order be entered so that CardiAQ may submit its Memorandum in Support of

CardiaQ's Motion to Compel Neovasc to Produce Unredacted Laboratory Notebooks and related exhibit for a ruling by this Court.

WHEREFORE, CardiaQ respectfully requests that this Court impound and seal: (1) portions of the Memorandum in Support of CardiaQ's Motion to Compel Defendants Neovasc Inc. and Neovasc Tiara Inc. to Produce Unredacted Laboratory Notebooks, which have been highlighted in yellow for the Court's reference; and (2) all of Exhibits K, L, M, and N to the Declaration Of Mark A. Speegle In Support Of Motion Of Plaintiff CardiaQ Valve Technologies, Inc. To Compel Defendants Neovasc Inc. And Neovasc Tiara Inc. To Produce Unredacted Laboratory Notebooks until such time as the Court rules and enters an CardiaQ's Motion to Compel Defendants Neovasc Inc. and Neovasc Tiara Inc. to Produce Unredacted Laboratory Notebooks. At such time, CardiaQ respectfully requests that the Court notify counsel and allow them to retrieve the impounded documents from the Court's files. A Proposed Order is submitted herewith.

Respectfully Submitted,
Plaintiff,

CARDIAQ VALVE TECHNOLOGIES, INC.

By Its Attorneys,
KNOBBE, MARTENS, OLSON & BEAR, LLP

/s/ Christy G. Lea

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Dated: July 7, 2015

LOCAL RULE 7.1 CERTIFICATION

I hereby certify that the undersigned counsel attempted to confer in good faith with counsel for Defendants in an effort to narrow or resolve the issues raised in this motion. Defendants have not responded to my inquiries regarding this motion.

/s/ Mark A. Speegle

Mark A. Speegle (admitted *pro hac vice*)

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as non-registered participants on the 7th day of July, 2015.

/s/ Christy G. Lea

Christy G. Lea (admitted *pro hac vice*)

[PROPOSED] ORDER OF IMPOUNDMENT

- Portions of the the Memorandum in Support of Motion Of Plaintiff CardiAQ Valve Technologies, Inc. to Compel Defendants Neovasc Inc. and Neovasc Tiara Inc. to Produce Unredacted Laboratory Notebooks, which have been highlighted in yellow for the Court's reference; and
- Exhibits K, L, M, and N to the Declaration Of Mark A. Speegle In Support Of Motion Of Plaintiff CardiAQ Valve Technologies, Inc. To Compel Defendants Neovasc Inc. And Neovasc Tiara Inc. To Produce Unredacted Laboratory Notebooks.

Such documents shall be impounded until the Court rules and enters an Order on the Motion Of Plaintiff CardiAQ Valve Technologies, Inc. to Compel Defendants Neovasc Inc. and Neovasc Tiara Inc. to Produce Unredacted Laboratory Notebooks. At such time, Plaintiff may retrieve the impounded documents from the Court's files.

SO ORDERED.

Dated: _____, 2015

Hon. Allison D. Burroughs
United States District Judge

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